

BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF :

CITY OF CHICAGO, ILLINOIS,

Petitioner

V

No. T08-0128

NORFOLK SOUTHERN RAILROAD, NORTHERN)
INDIANA COMMUTER TRANSPORTATION)
DISTRICT AND THE ILLINOIS DEPARTMENT)
OF TRANSPORTATION,)

Respondents .

Petition to create grade separation)
crossings and to close at-grade)
crossings at 130th Street and)
Torrence Avenue, through the)
reconstruction of 130th Street,)
Brainard Avenue and Torrence Avenue,)
impacting the tracks of Norfolk)
Southern and the Northern Indiana)
Commuter Transportation District/)
Illinois Indiana Development)
Corporation and other relief, in)
Cook County, Illinois.)

Chicago, Illinois

October 21, 2008

Met pursuant to notice at 9:00 a.m.

BEFORE :

MR. DEAN JACKSON, Administrative Law Judge.

1

2 APPEARANCES:

3 MR. JACK PACE
30 North LaSalle Street, Suite 900
4 Chicago, Illinois 60602
appeared for the City of Chicago,
5 Petitioner;

6
MR. NEIL F. FLYNN
7 1035 South 2nd Street
Springfield, Illinois 62704
8 appeared for Norfolk Southern
Railroad, Respondent, telephonically;

9
10 MR. LAWRENCE PARRISH
300 West Adams Street, 2nd Floor
11 Chicago, Illinois 60606
appeared for IDOT, Respondent;

12
13 MR. JEFF HARPRING
2300 South Dirksen Parkway
14 Springfield, Illinois
appeared for IDOT, Respondent,
15 telephonically;

16
MR. BRIAN VERCRUYSSSE
17 527 East Capitol Avenue
Springfield, Illinois 62701
18 appeared for Staff.

19

20 ALSO PRESENT:

MR. SOLIMAN KHUDEIRA
21 City of Chicago, Department
of Transportation
22

1 SULLIVAN REPORTING COMPANY, by
2 Teresann B. Giorgi, CSR
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I N D E X

<u>Witnesses:</u>	<u>Dir.</u>	<u>Crx.</u>	Re- <u>dir.</u>	Re- <u>crx.</u>	By <u>Examiner</u>
NONE					

E X H I B I T S

<u>APPLICANT'S</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
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1 JUDGE JACKSON: Pursuant to the authority vested
2 in me by the Illinois Commerce Commission and the
3 State of Illinois, I'll call Docket T08-0128 for
4 hearing. This is the Petition filed by the City of
5 Chicago to create grade separation crossings and
6 close an at-grade crossing and other such things.

7 May I have appearances, please.

8 Mr. Pace, we'll start with you.

9 MR. PACE: On behalf of the City of Chicago,
10 Jack Pace, Senior Counsel, City of Chicago,
11 Department of Law, 30 North LaSalle Street,
12 Suite 900, Chicago, Illinois 60602.

13 And with me today is Mr. Soliman
14 Khudeira who's project manager with the Chicago
15 Department of Transportation, and I'll let
16 Mr. Khudeira present himself and the spelling his
17 last name.

18 MR. KHUDEIRA: I'm Soliman Khudeira, last name
19 K-h-u-d-e-i-r-a, and I'm project manager with the
20 City of Chicago, Department of Transportation,
21 30 North LaSalle, Chicago, Illinois, Suite 400,
22 60602.

1 MR. PARRISH: Lawrence Parrish on behalf of the
2 Illinois Department of Transportation, Office of
3 Chief Counsel, that's 300 West Adams, Chicago,
4 Illinois 60606, telephone number, 312-793-5737.

5 JUDGE JACKSON: Thank you.

6 Mr. Vercruysse, might as well finish
7 around the table in Chicago.

8 MR. VERCRUYSSSE: Thank you, your Honor.

9 Brian Vercruysse, V-e-r-c-r-u-y-s-s-e,
10 representing the Staff of the Illinois Commerce
11 Commission with address at 527 East Capitol Avenue,
12 Springfield, Illinois 62701, phone number,
13 312-636-7760. Thank you.

14 JUDGE JACKSON: Thank you.

15 Mr. Flynn?

16 MR. FLYNN: My name is Neil F. Flynn, N-e-i-l,
17 F, as in Frank, Flynn. My business address is
18 1035 South 2nd Street, Springfield, Illinois 62704.
19 I'm an attorney licensed to practice law in the
20 State of Illinois and I'm appearing today on behalf
21 of Norfolk Southern Railroad Company.

22 JUDGE JACKSON: Thank you.

1 Mr. Harpring.

2 MR. HARPRING: Jeff Harpring with Illinois
3 Department of Transportation at 2300 South Dirksen
4 Parkway, Springfield, Illinois.

5 JUDGE JACKSON: Are we missing Northern Indiana
6 Commuter Transportation District?

7 MR. PACE: Yes, your Honor, they are not here.
8 We suspect that they may not be here because we
9 don't have any open issues with that entity at this
10 point, but I am speculating at this point. I
11 haven't been contacted by them.

12 JUDGE JACKSON: All right. They've received
13 notice of the hearing. They are on the service
14 list. We'll go ahead with any evidence anyone wants
15 to put on today. But I would ask if someone --
16 Mr. Vercruysse, if you would take the lead on this,
17 if there are, in fact, no issues that they have any
18 problem with, we need them to file something in the
19 case to that effect, otherwise we'll be getting
20 together again to get them on the record officially.
21 So I need to know where they stand. Fair enough?

22 MR. VERCRUYSSSE: Fair enough. I understand,

1 your Honor. Thank you.

2 JUDGE JACKSON: Okay. Thank you.

3 Mr. Pace, how many witnesses today?

4 MR. PACE: Well, your Honor, actually we're not
5 planning on putting on any evidence, per se, today.
6 We just wanted to give the Commission and your Honor
7 an overview of the project, the timetable that we're
8 presently under, a feel for the outstanding issues
9 that we have, but all within the context the fact
10 that we believe that this matter can be resolved
11 between the parties -- among the parties, and that
12 we anticipate submitting an agreed draft order for
13 your consideration in the near future.

14 JUDGE JACKSON: That would be outstanding.

15 I do note, just for the record, that
16 this apparently is a \$157 million project as a
17 whole, is that correct?

18 MR. PACE: That's correct, your Honor.

19 JUDGE JACKSON: It's huge.

20 So an agreed order would be beyond
21 absolutely wonderful.

22 What does everyone want to do today,

1 then? Do you want me to just let everybody hang out
2 and discuss issues that, perhaps, Mr. Flynn might
3 have, questions he might have, and --

4 MR. PACE: Well, your Honor.

5 JUDGE JACKSON: -- and leave the record open?
6 What do you guys want to do, you tell me?

7 MR. PACE: Well, my plan was to speak for a few
8 minutes just to give you an overview with the
9 schedule and what we would like in terms of next
10 steps with your Honor.

11 JUDGE JACKSON: Okay.

12 MR. PACE: And I know that Mr. Flynn has some
13 questions and I believe Mr. Vercruysse may have some
14 additional questions as well. And at that point I
15 think, you know, we may want to continue discussing
16 this a little bit, maybe off the record, but --

17 JUDGE JACKSON: All right.

18 MR. PACE: -- we've had an opportunity to
19 discuss this while we were waiting here. So I think
20 we're ready to proceed.

21 JUDGE JACKSON: Good. Why don't we just keep it
22 as an informal round table discussion, then. And if

1 the time does come that we need to swear in
2 witnesses, you know, another day, you know, we can
3 do that. Would that be all right with everyone?

4 MR. FLYNN: Absolutely.

5 MR. PACE: Yes.

6 MR. PARRISH: Yes.

7 JUDGE JACKSON: Okay. Mr. Pace, go ahead,
8 please.

9 MR. PACE: Thank you, your Honor.

10 Well, as I'm sure everyone has read
11 the Petition. This is a significant project that's
12 going to be taking place in the southeast part of
13 Chicago. We have been working on this project for
14 approximately three to four years, working with the
15 railroads involved and IDOT.

16 We anticipate at this time that we'd
17 like to submit this project out to bid in March of
18 2009 and to start construction in October of 2009,
19 that's contingent on procuring the necessary
20 funding. But we, at this time, feel confident that
21 that will happen and allow us to implement that
22 timetable.

1 I think it's clear from the Petition
2 we are not seeking any additional funding from the
3 Grade Crossing Protection Fund. We are seeking
4 relief of closing two at-grade crossings and
5 creating two above-grade crossings as well as the
6 demolition of a bridge and the construction of a new
7 bridge.

8 As I stated we have -- in working with
9 the railroads involved, we believe we've reached an
10 agreement with Northern Indiana Commuter
11 Transportation District. Their operations are not
12 involved in the grade separation portions of the
13 project.

14 We have agreed that the cost of the
15 infrastructure, the new bridge, is approximately
16 \$2.4 million.

17 With respect to the outstanding issues
18 with Norfolk Southern -- before I go on to that, I
19 do want to say that we have already submitted the
20 design plans to Norfolk Southern. We've received
21 comments from them. We've incorporated those
22 comments to, I think, a substantial degree.

1 We -- I think as Mr. Khudeira had
2 mentioned, at this point there are some slight
3 modifications that they are seeking, but other than
4 that, we believe we are, you know, in substantial
5 agreement on the design.

6 We do have -- and as part of our
7 dealings and over the last couple of years, we have
8 entered into several agreements with the Railroad,
9 with Norfolk Southern. We have, in our view, three
10 outstanding agreements -- or outstanding issues.

11 No. 1 being the scope and the amount
12 of the force account work. In that regard, we have
13 received an estimate from Norfolk Southern of what
14 that is going to be. They've notified us that they
15 are amending that number and we are awaiting receipt
16 of that information.

17 The second issue, as your Honor, is
18 probably is aware, this project invokes federal
19 regulations with respect to railroad participation
20 and funding. We've had, what I would characterize
21 as, you know, substantial discussions with Norfolk
22 Southern in this regard.

1 We believe that Norfolk Southern has
2 agreed in principle to participation of 5 percent.
3 And, of course, we are still working on what the
4 appropriate amount, a portion of this project, will
5 be applicable to that 5 percent figure. We are
6 finalizing those numbers and should be able to have
7 something to submit to Norfolk Southern in the next
8 two to three weeks.

9 The third issue is part of this
10 overall project. There'll be created a private
11 railroad crossing. And there has been some
12 preliminary discussions between the City and
13 Norfolk Southern as to the limited use of that
14 crossing and, you know, ancillary issues regarding
15 that.

16 And that's the end of my summary of
17 the project and the time table. Certainly,
18 Mr. Khudeira is here, the project manager, to answer
19 any specific questions.

20 I do want to end by saying that, given
21 our time table with submitting a bid out in March of
22 2009, I mentioned this off the record and I just

1 want to put it on the record, that we are seeking a
2 way that we can get a Commission order in time for
3 us to submit a bid in March of 2009. And in that
4 regard I would like to explore, you know, the
5 circulation of a draft order that we can work on so
6 that, perhaps -- if not by the next status, which
7 I'm seeking the first week of December, perhaps an
8 early January or something, that we can finalize and
9 have submitted to your Honor.

10 JUDGE JACKSON: Great. So there are federal
11 bridge building funds somehow, I image?

12 MR. KHUDEIRA: Yes. The funding for the project
13 includes federal funds, the state funds and city
14 funds.

15 JUDGE JACKSON: All right.

16 MR. PACE: And at this point, I would like to
17 make Mr. Khudeira available for your questions, your
18 Honor, and questions of the other parties.

19 JUDGE JACKSON: Okay. Let's go to Mr. Flynn,
20 Norfolk Southern.

21 You have the floor.

22 MR. FLYNN: Thank you.

1 I'll go in no particular order, but
2 let me go to the 5 percent issue, if you will.

3 My understanding, again, you
4 anticipate that the State will be submitting to NS
5 within two to three weeks their guesstimate of -- or
6 the project, identify those funds of the project
7 which are related to the 5 percent -- in which the
8 5 percent -- Railroad contribution would apply, is
9 that correct?

10 MR. KHUDEIRA: Yes, that's correct.

11 MR. FLYNN: Not that I can't wait two or three,
12 but do you have an idea of what that number would
13 be? Again, I won't hold you to it and I know it's
14 all ball park, we're not under oath, but if I'm to
15 go back and tell my client, Here's what the
16 guesstimate would be at this point, do you have a
17 ball park figure?

18 MR. KHUDEIRA: As a preliminary number, the
19 number is coming around 5 million.

20 MR. FLYNN: Around 5 million?

21 MR. KHUDEIRA: Yes. 5 million is th 5 percent
22 contribution of Norfolk Southern.

1 MR. FLYNN: All right. That's helpful. Thank
2 you.

3 As I look at the Petition, this is
4 just for my own edification, there's two proposed
5 bridge structures, correct?

6 MR. KHUDEIRA: Correct.

7 MR. FLYNN: All right. And at the 130th
8 Street -- there are currently how many lanes of
9 motor vehicular traffic at 130th Street at the grade
10 crossing there?

11 MR. KHUDEIRA: There are two lanes in each
12 direction.

13 MR. FLYNN: So four lanes, two each direction.

14 MR. KHUDEIRA: Correct.

15 MR. FLYNN: And as I read the Petition again, at
16 130th Street, when the project is done as
17 contemplated, it will be three sets of NS tracks.
18 They'll be bridged, if you will, over 130th Street,
19 correct?

20 MR. KHUDEIRA: That's correct.

21 MR. FLYNN: Two main and one switch track.

22 MR. KHUDEIRA: Yes.

1 MR. FLYNN: Okay. At Torrence Avenue now, the
2 same questions, but there are currently how many
3 lanes of motor vehicular traffic at Torrence Avenue?

4 MR. KHUDEIRA: Same thing, two lanes in each
5 direction, so a total of four.

6 MR. FLYNN: Okay. And I think the answer to the
7 number of tracks at the Torrence Avenue bridge is
8 also three, correct --

9 MR. KHUDEIRA: Correct.

10 MR. FLYNN: -- two main and one switch?

11 MR. KHUDEIRA: Correct.

12 MR. FLYNN: Okay. Thank you.

13 Paragraph 8 of the -- so when somebody
14 says to me, I'm taking a bridge over motor vehicular
15 traffic, but Paragraph 8 seems to say that you're
16 lowering the roadway, is that -- am I just -- am I
17 misreading that?

18 MR. KHUDEIRA: No, that's correct. This is a
19 standard grade separation practice. Currently the
20 roadway intersects with the Railroad at the same
21 elevation. So to create the grade separation, the
22 roadway is lowered under the tracks. And the way

1 you lower a roadway under a track, you have to build
2 a bridge to support the tracks.

3 The answer is yes, the roadway will be
4 lower below its existing elevation.

5 MR. FLYNN: Okay. It's still trains going over,
6 but you've got to lower the regular roadway from
7 where it is now.

8 MR. KHUDEIRA: That's right. The roadway
9 elevation will be lower in both, at Torrence Avenue
10 and at 130th Street.

11 MR. FLYNN: Okay. Thank you.

12 Okay, you've covered this question.
13 What the City is asking for is a NS 5 percent
14 contribution for the grade separation structure in
15 accordance with federal law and we are awaiting for
16 documentation from you to look at, to determine what
17 that specific number is. So we've covered that.

18 On the force account work, did I
19 understand you to say that NS needs to update some
20 information, get that to you, or is it the other way
21 around?

22 MR. KHUDEIRA: Yeah, that's correct. What they

1 did, NS, they submitted to us a force account and
2 the dollar amount is about \$6.1 million. We have no
3 problem with that. We have an agreement, drafted
4 agreement, we are ready to sign it and send it to
5 them for their signature, but they are updating -- I
6 was told that there were some additions. So we do
7 expect that there are some revisions to the
8 technical aspect and the dollar amount.

9 MR. FLYNN: Okay.

10 MR. KHUDEIRA: Right now we just want them to
11 revise it, submit to us the new technicalities and
12 the new dollar amount and then we will process it.
13 I don't expect it to be an issue.

14 MR. FLYNN: Okay. Soliman, do I understand
15 that's in the works already and communication is
16 ongoing or do I need to do anything new?

17 MR. KHUDEIRA: Communication is ongoing. But I
18 just want to emphasize that we are waiting for
19 Norfolk Southern's end.

20 MR. FLYNN: Okay.

21 MR. KHUDEIRA: So the sooner they can give it to
22 us, the better.

1 MR. FLYNN: Soliman, you work with James
2 Kazmeriak (phonetic) on that?

3 MR. KHUDEIRA: Yes.

4 MR. FLYNN: Okay. With respect to the project,
5 is there any property or property interest,
6 easements, right-of-ways, whatever, is there any
7 property that needed to be obtained from
8 Norfolk Southern?

9 MR. KHUDEIRA: The Railroad properties and that
10 issue, the property exchange, is already been
11 finalized. We had a separate agreement where we
12 took properties from Norfolk Southern. We, the
13 City, gave back properties. So they were a separate
14 agreement. And we finally we end up balancing the
15 square footage of how much we are giving them versus
16 the square footage of land that we have taken from
17 them. And the final outcome, I can say, that we
18 ended up paying them some amount, I believe it was
19 in the neighborhood of \$300,000.

20 So to answer your question, the
21 right-of-way exchange, the right-of-way agreement is
22 fully finalized and approved by both parties.

1 MR. FLYNN: Okay. So there are no property
2 issues outstanding, yet that haven't already been
3 agreed to and is finalized.

4 MR. KHUDEIRA: No, not to my knowledge. No.

5 MR. FLYNN: Okay. Both of the crossings that
6 will be eliminated, the at-grade crossings, both of
7 those crossings now at Torrence and 130th, those are
8 both equipped with automatic flashing lights,
9 signals and gates, is that correct?

10 MR. KHUDEIRA: That's correct.

11 MR. FLYNN: Okay. Thank you very much.

12 MR. KHUDEIRA: Thank you.

13 JUDGE JACKSON: Mr. Parrish, do you have
14 anything for -- I'm sorry, do you have something
15 else?

16 MR. FLYNN: Yes.

17 JUDGE JACKSON: Go ahead.

18 MR. FLYNN: Judge, I'm sorry --

19 JUDGE JACKSON: That's all right.

20 MR. FLYNN: -- I neglected to ask for some
21 clarification or detail on the private roadway. I
22 just see it on the drawing and maybe you can

1 enlighten me.

2 MR. KHUDEIRA: The private roadway crossing is a
3 side crossing that's going to the end of the
4 project. There is one portion of the rail that's
5 going to be at-grade. The private railroad crossing
6 is going to be private. It would serve only
7 emergency vehicles, only maintenance vehicles. So
8 it's not meant to be for the public usage. It would
9 be hardly used. As I mentioned, for emergency or
10 maintenance.

11 And, again, Norfolk Southern are aware
12 of this private crossing. They're in agreement with
13 the technical aspect. And as far as the detail of
14 signals or what type of signal is going to be needed
15 there, we are following what Norfolk Southern
16 requirement would be.

17 So I don't see an issue with that at
18 all, at least from the way I look at it.

19 MR. FLYNN: Okay. So the agreement -- or the
20 user of that private property would be City
21 emergency, City maintenance vehicles?

22 MR. KHUDEIRA: It's both. It's City emergency

1 vehicles, City vehicles servicing of water main and
2 sewers that exists in this roadway. And also in
3 that roadway where the private railroad crossing it
4 will service, there are some other utilities owned
5 by privately owned companies, Commonwealth Edison
6 and so on.

7 So any time a company or a City agency
8 wants to maintain the facilities they will end up
9 crossing the private roadway crossing, which is
10 at-grade. And the reason why it is private, it is
11 not public. Not meant for public use. It's only
12 private in a sense that emergency and maintenance
13 vehicles will use it.

14 MR. FLYNN: If you know, Soliman or Jack, who
15 would be the parties to this agreement? Obviously
16 it's the NS track that the crossing would be over,
17 but who would be the parties to the agreement?

18 MR. PACE: I suspect it would be between the
19 City and Norfolk Southern. We really haven't
20 thought of any other parties at this point.

21 MR. FLYNN: Again, I don't want to belabor this
22 point, but obviously, if I understand Soliman

1 correctly, there'll be people other than the City,
2 City property or City trucks using it, for example,
3 utilities and so forth.

4 MR. PACE: Right, right. I contemplated that
5 that access would probably be governed by the City
6 as well, though. But you bring up a good issue that
7 could be discussed off-line. But I think the access
8 by, let's say, Commonwealth Edison or other
9 utilities would flow through the City.

10 MR. KHUDEIRA: That's correct. And any private
11 utility companies are not allowed to do work on that
12 piece of land, which is the existing 130th Street,
13 before obtaining a permit from the City. So it's
14 not going to be just utilities coming back and
15 forth. They have to obtain a permit first from the
16 City to be allowed to do work on any property within
17 the City and this is one of them.

18 MR. VERCRUYSSSE: Neil, do you mind if I jump in
19 with a few questions and also follow-up with how
20 it's --

21 MR. FLYNN: I'll throw one out and I'm going to
22 quit.

1 The issue of what protections will be
2 there and who will maintain, has that all been
3 worked out and agreed to already?

4 MR. KHUDEIRA: We have a draft private road
5 agreement --

6 MR. PACE: Right. They have not been worked
7 out. They've been raised. And there's been
8 apparently a draft, we have a draft agreement, but
9 they have not been negotiated.

10 MR. FLYNN: That's all I had. Thank you.

11 MR. VERCRUYSSSE: Thank you. Your Honor, if you
12 mind, if I can follow in with Mr. Flynn's points
13 here.

14 JUDGE JACKSON: No.

15 MR. VERCRUYSSSE: The designation of private, who
16 owns the -- how is the right-of-way established
17 through here? Is it City of Chicago owned roadway
18 for a roadway easement through here, or how is that
19 being established?

20 MR. KHUDEIRA: It's an existing City of Chicago
21 right-of-way, which is existing 130th Street, that
22 will remain as part of the right-of-way, and then

1 the Railroad will have the right of entry of that
2 part.

3 MR. VERCRUYSSSE: As far as access, we have
4 emergency vehicles, utilities, under permit or
5 whatever it might be, is there a chance that other
6 vehicles, though, can get onto this section of road
7 and utilize the crossing somehow? Maybe they don't
8 have a destination, but do we have a gate somewhere
9 closer towards Torrence or somewhere else that we
10 will limit the ability for other vehicles to come in
11 here other than authorized only vehicles?

12 MR. KHUDEIRA: Sure. Torrence is going to be
13 east of that private property or private crossing,
14 and also Torrence will be lower at that elevation.
15 So public vehicles will not have access to this one.

16 Now as far as gates or signals, that's
17 to be worked with the Norfolk Southern to see how
18 can we protect this private road where it's clearly
19 not meant for public use.

20 MR. VERCRUYSSSE: Can you give me an example --
21 maybe we can have a sheet and Staff of the
22 Commission would like to be involved in this,

1 because we want to make sure there is no access of
2 general motorists.

3 MR. KHUDEIRA: Sure.

4 MR. VERCRUYSSSE: But the process for one of your
5 maintenance vehicles to come into this area, where
6 would they go through to get to the crossing and how
7 would they make their way?

8 MR. KHUDEIRA: Sure. There is a bridge that we
9 are building, is going to be west of this private
10 railroad crossing. So the bridge -- the vehicle has
11 to cross the bridge and then make a right -- a
12 90-degree right turn to go into the property and
13 then they will be crossing the private road. So
14 it's not the normal path of vehicles. Somebody has
15 to make a 90-degree turn to go into the crossing.

16 MR. VERCRUYSSSE: Okay. Thank you.

17 As noted, we'd like to be involved as
18 we move forward with any of the access points and
19 what the warning devises would be because it still
20 will be a roadway unmarked and I think it's kind of
21 on the fringe of being considered a private, outside
22 of our jurisdiction.

1 In terms of the 130th Street
2 cross-section again and going under the NS tracks,
3 the Petition notes a bike path. Can you just give a
4 feel if that's just going to be a portion of the
5 overall structure and utilize one span or a portion
6 of a span?

7 MR. KHUDEIRA: Sure. The bike path is going to
8 be under the bridge, but it's separated from the
9 roadway by about 5, 6 feet. So it will be under,
10 separated from vehicle traffic and then the train
11 traffic, of course, will be above it. So it's
12 totally isolated.

13 MR. VERCRUYSSSE: Okay. As far as the bicycle
14 paths, then, are there any connections towards
15 Torrence and utilizing the Torrence structure also,
16 is that called for?

17 MR. KHUDEIRA: Sure. The path crosses Torrence
18 with a pedestrian bridge, separate designated bridge
19 above Torrence, and then it goes west, west of
20 Torrence, and then before it reaches the 130th
21 Norfolk Southern bridge, it will go under the bridge
22 and then continues west. So it's totally isolated

1 and separate path.

2 MR. VERCRUYSSSE: But the NS tracks along
3 Torrence, it's not intersecting there, it's just
4 east/west over Torrence.

5 MR. KHUDEIRA: That's right, exactly.

6 MR. VERCRUYSSSE: Great. Thank you.

7 In terms of the staging coordination,
8 I think we noted seven or eight stages, has that
9 been fully developed and coordinated with IDOT and
10 the NS and Northeast Indiana Transportation
11 District?

12 MR. KHUDEIRA: Yes, it has been. And there has
13 been some discussions, fine-tuning. Some of these
14 stages we had to create them because we could not
15 shut down the Norfolk Southern Railroad tracks
16 because the existing tracks will be relocated
17 further east, so those seven stages -- the reason
18 why, actually, there are seven, because it was
19 coordinated, agreed, fine-tuned and -- yes. The
20 answer is, yes.

21 MR. VERCRUYSSSE: Excellent. Thank you.

22 Your Honor, I think that takes care of

1 most of my questions.

2 Thank you, Soliman.

3 I guess the last item, though, for the
4 record in the overall case, the TS&L, the type, size
5 and location for each of these bridges, if we can
6 have them filed as exhibits for the case, I think
7 that will help greatly and showing the record and
8 going along with any interim or proposed or agreed
9 order.

10 MR. KHUDEIRA: Sure.

11 MR. VERCRUYSSSE: So that would be three to four,
12 I guess TS&L, depending upon how you have the
13 pedestrian bridge.

14 MR. KHUDEIRA: We have, actually, one TS&L
15 for -- we have six bridges in this project. We
16 could give all of them or should we give the one
17 that's related to the Railroad? Because there is
18 one pedestrian bridge for four. I assume you don't
19 need this one.

20 MR. VERCRUYSSSE: Actually, you know, I wouldn't
21 mind having all of them, because in relation to how
22 this private crossing might be, that might give us

1 all a better feel as far as --

2 MR. KHUDEIRA: Sure.

3 MR. VERCRUYSSSE: -- mobility and if pedestrians
4 or others might be able to make an access down to
5 this private road or something. I'm sure that would
6 be very helpful.

7 MR. KHUDEIRA: That we could do.

8 MR. VERCRUYSSSE: And that would be Staff's
9 request, your Honor, just to help in drafting and we
10 can work with the parties to provide any other
11 documents that might provide pertinent design pages.

12 JUDGE JACKSON: I think they'll be
13 accommodating.

14 MR. VERCRUYSSSE: Great. Thank you.

15 JUDGE JACKSON: Mr. Parrish, anything?

16 MR. PARRISH: No, Judge, I don't have anything,
17 but I will defer to my colleague in Springfield,
18 Jeff Harpring.

19 Jeff, do you have anything?

20 MR. HARPRING: I just have a few questions here,
21 if I could.

22 Mr. Pace, you mentioned you're not

1 seeking, I believe you said, additional Grade
2 Crossing Protection funds, are you seeking Grade
3 Crossing funds and if so, about how much are you
4 seeking on the project?

5 MR. KHUDEIRA: We are not seeking Grade
6 Separation Protection Fund. We are not.

7 MR. HARPRING: Is the project going to be
8 handled by a state let project or a local let
9 situation?

10 MR. KHUDEIRA: It will be a local let project.

11 MR. HARPRING: Can you give me the status of any
12 joint agreement between the City of Chicago and IDOT
13 as far as normally they do a joint agreement for
14 funding reimbursement, has that been done or has it
15 been drafted or what status is there on that?

16 MR. KHUDEIRA: Sure. The IPA, the individual
17 project agreement, it's drafted. However, right now
18 it's being revised because we are seeking additional
19 funding that's right now pending with Springfield
20 and Schaumburg. So the moment the additional
21 funding and I'm sure, you know, the matching issue
22 right now -- the moment the funding issue is

1 finalized and the IPA will be revised and finalized.

2 As Jack mentioned, we cannot advertise
3 the project without securing all the funding. And
4 we expect that to be finalized, hopefully, in the
5 next month or two.

6 MR. HARPRING: Okay. As far as a letting date,
7 you're looking at March for a letting date?

8 MR. KHUDEIRA: Yes, pending, of course,
9 availability of funds. It's always the funding
10 issue.

11 MR. HARPRING: I believe that's all the
12 questions I have.

13 JUDGE JACKSON: Do you expect -- I know in the
14 Petition you say the project as a whole, you expect
15 it to be completed in 48 months, is that still
16 pretty accurate?

17 MR. KHUDEIRA: Yes.

18 JUDGE JACKSON: Anyone else have any questions
19 for Mr. Pace or his witness?

20 No?

21 MR. FLYNN: Nothing, your Honor.

22 JUDGE JACKSON: All right. Everything I've

1 heard sounds good.

2 I guess my only question is what
3 further involvement do you want from us? How can me
4 and the Commission help? Do you think we set
5 another informal round table discussion again for
6 four to six weeks out, maybe to see how everyone is
7 doing and how we're progressing, especially since it
8 appears that we'll go to order sometime in either
9 late December or early January in order to
10 accommodate the March letting. How does everyone
11 feel about that?

12 Mr. Pace?

13 MR. PACE: Yes, your Honor, I would appreciate
14 if we can get another status date. We're looking at
15 the first week of December. And just for everyone's
16 knowledge, Mr. Soliman (sic) will be out of the
17 office from December 8th to January 2nd.

18 JUDGE JACKSON: So I think we can get it in for
19 the first week of December if everyone else is in
20 agreement.

21 Let's see, Mr. Flynn, you may be in
22 here, I think. I don't know how long that one is

1 going to last, December 4th on a Thursday, the
2 Danville case is up. So we have a Bench session set
3 for December the 3rd. We can get together, I'll
4 check the calendar on this room, the afternoon of
5 Tuesday, December 2nd I have open, the afternoon of
6 Thursday, December 4th or Friday, December 5th.

7 MR. VERCRUYSSSE: That works for Staff, any of
8 those.

9 MR. PARRISH: December 2nd is best for IDOT.

10 JUDGE JACKSON: Let me go check the availability
11 of this room for the entire week and I'll be right
12 back.

13 Off the record.

14 (Whereupon, a short
15 recess was taken.)

16 JUDGE JACKSON: Back on the record.

17 I'm real pleased with what everybody
18 has done before we even got here today. Thank you
19 for that.

20 We are continued to Tuesday,
21 December 2nd, 2008, at the hour of 10:00 a.m.,
22 Springfield/Chicago audio/video rooms for another

1 informal round table status discussion.

2 Thanks, everyone.

3 MR. PARRISH: Thank you.

4 MR. PACE: Thank you.

5 MR. KHUDEIRA: Thank you.

6 MR. FLYNN: Thanks everybody.

7 (Whereupon, the above-entitled
8 matter was continued to
9 December 2nd, 2008.)

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